

Attorney Docket No. 03742/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Hitoshi KATO, et al.

Serial No. : 10/735,510

Confirm. No.: 5836

Docket No. : 03742/LH

Customer No.: 01933

Filed : December 11, 2003

For : PERFORMANCE EVALUATION
APPARATUS AND A PERFORMANCE
EVALUATION PROGRAM

Art Unit : 2837

Examiner : WARREN, DAVID S

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97 (d) WITH
STATEMENT UNDER 37 CFR 1.97(e)
AND FEE (37 CFR 1.17 (p))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

Submitted herewith are the following:

- (1) Copy of a Japanese Office Action dated June 20, 2006
(and English translation thereof) issued in counterpart
priority Japanese application No. 2002-371189;
- (2) Copy of a Japanese Office Action dated June 20, 2006
(and English translation thereof) issued in counterpart
priority Japanese application No. 2003-042546;
- (3) Copy of a Japanese Office Action dated June 20, 2006
(and English translation thereof) issued in counterpart
priority Japanese application No. 2003-010886;
- (4) Copies of cited publications (except U.S. patents and
publications);

This paper is being submitted via EFS-
Web on August 7, 2006

In the event that this Paper is late
filed, and the necessary petition for
extension of time is not filed
concurrently herewith, please consider
this as a Petition for the requisite
extension of time, and to the extent not
already paid, authorization to charge
the extension fee to Account
No. 06-1378. In addition, authorization
is hereby given to charge any fees for
which payment has not been submitted, or
to credit any overpayments, to Account
No. 06-1378.

- (5) Form PTO/SB/08A; and
- (6) Form 2038 to cover the USPTO fee of \$180 as set forth under 37 CFR 1.17(p) for filing an IDS at this stage of prosecution (after issuance of a final Office Action and with a statement under 37 CFR 1.97(e)).

English translations of said three Japanese Office Actions are provided, thereby satisfying the requirements for a concise explanation of relevance for any non-English language publications cited therein (MPEP 609 III A(3)).

English language Abstracts are provided for each of the cited documents.

Japanese Patent Publication JP10-161673, identified in the Office Actions, was already cited in the IDS of December 11, 2003, and is therefore not cited again herein.

USP 6,495,747 is a family member of JP 2001-242863.

STATEMENT UNDER 37 CFR 1.97(e) (1)

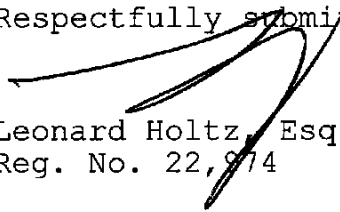
Each item of information contained in this Information Disclosure Statement was first cited in any communication from foreign patent offices in counterpart foreign applications not more than three months prior to the filing of the present Information Disclosure Statement. Said Communications all bear a mailing date of June 20, 2006. Therefore, the filing of this Information Disclosure Statement is timely under the provisions of 37 CFR 1.97(e) and does not require a fee.

NOT A RESPONSE TO OFFICE ACTION

This paper is not a response to the outstanding final Office Action mailed June 22, 2006. A response to said outstanding Office Action will be timely filed in due course.

It is requested that an initialed copy of the Form PTO/SB/08A be returned to indicate that the publications listed therein have been considered and made of record.

Respectfully submitted,


Leonard Holtz, Esq.
Reg. No. 22,874

Encls.

Dated: August 7, 2006

FRISHAUF HOLTZ GOODMAN & CHICK, P.C.
220 FIFTH AVENUE
NEW YORK, N.Y. 10001-7708
Tel. No. (212) 319-4900
Fax No. (212) 319-5101
LH:rjl

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PTO/SB/08A (08-00)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for Form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number		10/735,510
				Filing Date		December 11, 2003
				First Named Inventor		Hitoshi KATO
				Group Art Unit		2837
				Examiner Name		WARREN, DAVID S
Sheet	1	of	1	Attorney Docket Number		03742/LH

U.S. PATENT DOCUMENTS

Exam. Inits*	Cite No ¹	Document Number	Kind Code ²	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion
		6495747	B2	YAMAHA CORP	11-15-2001	

FOREIGN PATENT DOCUMENTS

Exam Inits*	Cite No ¹	Offc ³	Document Number ⁴	Kind Code ⁵	Name of Patentee or Applicant	Publication Date MM-DD-YYYY	Relevant Portion	T ⁶
		JP	2001-242863	A	YAMAHA CORP	09-07-2001		
		JP	11-296168	A	YAMAHA CORP	10-29-1999		
		JP	2000-056778	A	DAIICHIKOSHO CO	02-25-2000		
		JP	56-047084	A	NIPPON MUSICAL	04-28-1981		
		JP	03-242700	A	YAMAHA CORP	10-29-1991		
		JP	2001-142388	A	YAMAHA CORP	05-25-2001		
		JP	2004-109613	A	KAWAI MUSICAL INST	04-08-2004		
		JP	11-102193	A	NIPPON COLUMBIA	01-13-1999		

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Place a check here if English translation is attached.

DATE MAILED: August 7, 2006